

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BRIAN LAKE BALDERSON,**

**Plaintiff,**

**v.**

**CASE NO.: 2:12-cv-235  
JUDGE GEORGE C. SMITH  
Magistrate Judge Abel**

**GARY MOHR, *et al.*,**

**Defendant.**

**ORDER**

Plaintiff Brian Lake Balderson, a state prisoner, brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983 against Defendants the State of Ohio, Bradley Eller, Dr. Weidman and Dr. Williams. On February 6, 2013, the United States Magistrate Judge issued a Report and Recommendation (Doc. 40), recommending that this case be dismissed. The parties were specifically advised of their right to object to the Report and Recommendation and of the consequences of their failure to do so. No objections have been filed.

The Report and Recommendation is hereby **ADOPTED** and **AFFIRMED**. Defendants the State of Ohio and Bradley Eller's Motion to Dismiss is hereby **GRANTED**. Further, Dr. Weidman and Dr. Williams are hereby dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for Plaintiff's failure to obtain service on them.

The Clerk of Court is **DIRECTED** to enter **JUDGMENT** for Defendants. This action is hereby **DISMISSED**.

The Clerk is further instructed to remove documents 39 and 40 from the Court's pending

motions list.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**